

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

CHERYL SHOCKLEY,)	
)	
Plaintiff,)	
)	Case No.: 3:21-cv-00444
v.)	
)	
INTEGRA CREDIT TWO, LLC; and)	
CLARITY SERVICES, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant Integra Credit Two, LLC (“Integra”), by counsel, and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes the above-entitled action, which is currently pending in the Circuit Court of Douglas County, Wisconsin, and states as follows:

Background

1. On June 10, 2021, Plaintiff Cheryl Shockley (“Plaintiff”) filed a Complaint against Integra in the Circuit Court of Douglas County, Wisconsin, alleging that Integra violated the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681, *et seq.*, and invaded her privacy in violation of Wis. Stat. § 995.50. (Copies of the Summons and Complaint are attached as Exhibit A.)

2. The Summons and Complaint constitute “all process, pleadings, and orders served upon” Integra in this action, to date. 28 U.S.C. § 1446(a).¹

Timeliness of Removal

3. Integra was purportedly served with a copy of the Summons and Complaint

¹ Integra will request copies of all documents filed in state court—but not served on Integra—and will file them with the Court.

on June 14, 2021. (A copy of the Affidavit of Service filed with the state court is attached as Exhibit B.) Therefore, this notice of removal is timely under 28 U.S.C. § 1446(b) because less than 30 days have passed since Integra was served with Plaintiff's Complaint.

Removal Jurisdiction

4. This action is properly removable under 28 U.S.C. § 1441 because this Court has original federal jurisdiction of this case under 28 U.S.C. § 1331, which provides in pertinent part: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.

5. Specifically, Plaintiff alleges that Integra violated the FCRA by accessing her credit report without a permissible purpose, 15 U.S.C. § 1681b. (Compl. ¶¶ 85-91, 99-102, 106-110, 112.) Hence, this is a civil action "arising under the Constitution, laws, or treaties of the United States" pursuant to Section 1331, and removal is appropriate pursuant to 28 U.S.C. §§ 1441 and 1446.

6. Plaintiff's state law claim for invasion of privacy under Wis. Stat. § 995.50 is similarly based on her allegation that Integra improperly accessed her credit report. (Compl. ¶¶ 119-136.) Accordingly, the Court may exercise supplemental jurisdiction over that claim, as it is "part of the same case or controversy" as Plaintiff's FCRA claim. 28 U.S.C. § 1367(a).

7. Removal to this Court is proper as the United States District Court for the Western District of Wisconsin embraces Douglas County, Wisconsin, where the state court action was filed. *See* 28 U.S.C. § 1441(a).

Consent to Removal

8. As of the filing of this Notice, no affidavit of service has been filed as to co-

defendant Clarity Services, Inc. ("Clarity"); accordingly, Integra is informed and believes that Clarity has not been served. Therefore, Clarity's consent to removal is not required. *See* 28 U.S.C. § 1446(b)(2)(A).

Notice to State Court

9. Pursuant to 28 U.S.C. § 1446(d), Integra is promptly providing written notice of its removal to Plaintiff and will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of Douglas County, Wisconsin.

WHEREFORE, Defendant Integra Credit Two, LLC respectfully requests that the above-entitled action be removed from the Circuit Court of Douglas County, Wisconsin, to this Court.

Dated: July 9, 2021

Respectfully submitted,

INTEGRA CREDIT TWO, LLC

By: /s/ Jeffrey D. Pilgrim
One of its attorneys

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CERTIFICATE OF SERVICE

Jeff Pilgrim, an attorney, certifies that on July 9, 2021, he electronically filed the foregoing Notice of Removal with the Clerk of the Court by using the CM/ECF system, and also sent a copy of the same by via electronic mail to:

Eric Leighton Crandall
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/s/ Jeffrey D. Pilgrim